

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Schmidt *et al.*

Appl. No. 09/077,214

102(e) date: December 29, 1998

For: **Tumor Vaccine and Process for
the Preparation Thereof**

Art Unit: 1644

Examiner: Schwadron, R.

Atty. Docket: 0652.1710000

Reply To Requirement For Election Of Species

Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Office Action dated December 3, 1999, Applicants hereby provisionally elects species 1 from paragraph 5 of the Office Action. Further, Applicants elect the species 1 from paragraph 6 of the Office Action. Further, Applicants elect species 1 from paragraph 7. Finally, Applicants elect species 2 from paragraph 8. Claims 43-44 read on such species. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

Applicants assert the right to claim additional species in the event that a generic claim thereto is found to be allowable in accordance with 37 C.F.R. § 1.141(a). This election is made without traverse. Consideration and allowance of all pending claims, are respectfully requested.

It is believed that extensions of time are not required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036. A duplicate copy is enclosed.

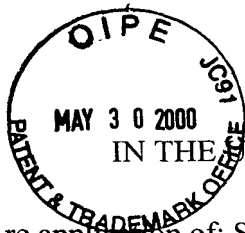
Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Andrea Jo Kamage

Andrea Jo Kamage
Agent for Applicants
Registration No. 43,703

Date: May 30, 2000
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Preliminary Amendment

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In advance of prosecution, please amend the application as follows:

In the Claims

Please amend the claims as follows.

42. The tumor vaccine of claim [36] 38, wherein said peptide (a) is derived from a naturally occurring immunogenic protein or a cellular breakdown product thereof.

Summary

No new matter has been added. Claim 42 has been amended to change dependency.

It is respectfully believed that this application is now in condition for examination. Early notice to this effect is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Andrea Jo Kamage

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